IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6316 OF 2005

The State of Maharashtra ...Applicant
Vs.
Chandraprakash Rajpati Dhuria ...Respondent

Mrs S.D. Shinde, A.P.P. for the Applicant.
Mr A.H.H. Ponda, Senior Counsel with Shri Ganesh Chavan for the Respondent.

CORAM : S.C. DHARMADHIKARI, J.
DATE : DECEMBER 19, 2005.

P.C.:

1. Heard Mrs Shinde, learned A.P.P. appearing for the State and Mr Ponda appearing for the Respondent. I have perused the Application preferred by the State for cancelling the bail which was granted to the Respondent-original accused No.1 by the Additional Sessions Judge on 19th May, 2005.

2. With the able assistance of Mrs Shinde, I have perused this Application and more particularly paragraph No.4(g)(h). These averments pertain to the Respondent not observing the bail conditions in other offences which are pending against him as also furnishing bogus sureties. On affidavit the Respondent has stated that seven cases shown to be pending against him is a fact which is not correct and not substantiated from record. As far as the L.T.Marg Police Station is concerned, there is no case pending against the Respondent-original accused No.1.

Similarly, at Nerul Police Station also there is no case bearing No.289 of 2004 and in another case pending at the said Police Station he has been discharged. In all other cases, he is released on bail. As far as bogus surety is concerned, the Respondent points out that the surety procured by his relative which turned out to be bogus has been substituted and surety to the satisfaction of the authorities has been furnished. The general allegation that he would jump bail or not be available for trial is denied and it is pointed out that the Sessions Judge released him on 19th May, 2005. He availed of bail on 05th July, 2005 and nothing has been pointed out that which would demonstrate that he has tampered with the evidence or made efforts to abscond. He is abiding by the terms and conditions imposed by Sessions Judge in as much as he has attended D.C.B. Police Station on 2nd and 16th of each month. He would continue to the abide by conditions is also stated on affidavit, which is affirmed on 07th December, 2005.

3. Considering all this and applying the settled principles for cancellation of bail, I find that no case is made out by the prosecution in that behalf. Accordingly, Application dismissed.

JUDGE